

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

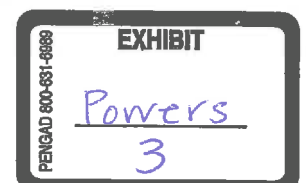
Family Court
(New Candidate)

Full Name: Delton W. Powers, Jr.

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1. Why do you want to serve as a Family Court Judge? I have practiced in the Family Court, and have a particular interest in continuing in Family Court as my giving back to the State. I have served as a Juvenile Public Defender, private attorney and represented DSS for years in protecting children. I see this job as needing someone with significant experience, calm and the ability to help Parties reach a proper conclusion. I have had a successful career and feel this is the best way to use my abilities.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? No
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? The Court has to have transparency. Ex Parte communications must be avoided and disclosed. I have served on the Disciplinary Committee for many years and know how to deal with such situations. They are not to be tolerated.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? Again, transparency. After 39 years of practicing law, there is certainly going to be involvement with known parties. They would be treated with same deference as any attorney. There would be no former associates or partners in Family Court. Legislators that I have dealt with neither seek, nor expect, any special treatment.



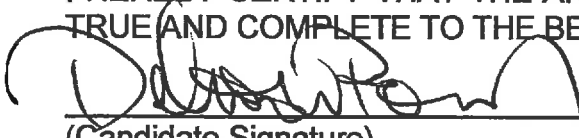
7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? Certainly. I have seen this situation many times, and on almost all occasions, an agreement is reached. I think the Court has to always consider if a motion is made only for the purposes of delay, and decide accordingly.
8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? Full disclosure should be made to attorneys and parties in all situations. Often parties know the quality of the Judge and agree to continue with litigation. Appearance of such though must be avoided at all costs.
9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would not accept gifts or social hospitality. I have seen the change in this behavior over many years and feel that it should be politely avoided.
10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? Having served on ODC for several years, I am well aware of reporting requirements, and wouldn't hesitate to do so.
11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No, other than rental property.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders? The usual practice is to have the parties agree on a submission, and then of course review to make sure it is a proper Order. I have drafted hundreds of Orders and can do so, and/or modify, correct as necessary.
14. If elected, what method would you use to ensure that you and your staff meet deadlines? I have in place procedures in my practice which have

worked well. We keep both notebooks and computer based reminders and calendars.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case? Having done contract work for SCDSS for over 20 years, and dealt with guardians in many private actions, I know their work to be invaluable. I think though that it is helpful to set out deadlines in Orders of appointment. There is also statutory law that requires that reports be issued at least 24 hours before a hearing, and I would make sure these are adhered to better in the future than they have been in the past. Because their work and focus is on children, their input needs to be both timely and thorough, and that balance should be struck.
16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? I think it should be avoided, and I would not have a problem doing so.
17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system? I would like to be involved in training when possible, I have mentored younger lawyers throughout my career, and would not have been successful without the assistance and guidance of older lawyers.
18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? No. I am at an age where that would not be a problem.
19. Would you give any special considerations to a *pro se* litigant in family court? They need to be protected and to understand procedure. If I thought they needed legal counsel, I would make sure they get it. I have seen cases where that is necessary, particularly in child protective services cases.
20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved? No
22. Do you belong to any organizations that discriminate based on race, religion, or gender? No
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
 - a. Divorce and equitable distribution: 40%
 - b. Child custody: 65%
 - c. Adoption: 10%
 - d. Abuse and neglect: 65%
 - e. Juvenile cases: 10-15%
25. What do you feel is the appropriate demeanor for a judge? Calm and controlled. Patience is certainly necessary, but maintaining decorum and control of the case is important. Civility of the parties is necessary as well as the attorneys.
26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? I consider it a way of life and should be 24/7.
27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? Anger is not a choice but firmness is. Certainly this is where civility and the Rules of Professional Conduct are to be adhered to.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.



(Candidate Signature)

Sworn to before me this 31 day of July, 2016.



(Notary Signature)

Charity M. Rummage

(Print name)

Notary Public for South Carolina

My Commission Expires: 3-10-2020